# Section 2.10 Visual Resources

## 12-month Issues

**12-VR-1** **Data Adequacy Deficiency –** Please specify the number of proposed transmission towers and assess the visual impacts of those towers.

**Data Adequacy Response –** The locations of the proposed transmission towers are indicated on Figure 5.2-3 of the AFC. This figure indicates that the project's transmission link to the nearby Helm Substation and the transmission lines adjacent to it will require four 230 kV single-circuit terminal dead-end structures (see AFC Figure 5.2-4 for their design) at the south end of the CVEC switchyard, two 230 kV double circuit tangent structures (AFC Figure 5.2-6) midway between the CVEC and the Helm Substation, one 230 kV 3-way terminal dead-end structure (AFC Figure 5.2-7) and two 230 kV 90 degree angle terminal dead-end structures (AFC Figure 5.2-8) ) just north of Helm Substation**.**

The visual effects of the proposed transmission line, including those attributable to the proposed transmission towers were taken into account in the analyses of the project's impacts on the views from the four Key Observation Points selected to serve as the basis for the analysis of the project's visual effects. A number of the proposed transmission towers are visible in the simulations of the project as it would appear in the views from KOPs 1, 2, and 3. Review of these simulations indicates that the transmission towers are readily visible at the time of project completion, but over time, with the growth of the project landscaping, the towers that are located on the project site will be screened to a very large degree. Review of these simulations also reveals that the transmission towers are a secondary element in the project's overall physical composition and play a relatively small role in determining the facility's overall appearance. Review of AFC sections 8.11.4.4.1, 8.11.4.4.2, and 8.11.4.4.3 indicates that the presence of the transmission towers in views toward the project from KOPs 1, 2, and 3 has been acknowledged, and that towers do not contribute to creation of significant visual impacts.

Five of the transmission towers will be located in the area south of Springfield Avenue and off the project site. Several of these towers are visible at the right edge of Figure 8.11-4b, the simulation of the project as it would appear from KOP 2. The new, project-related transmission towers in this area will be viewed in the context of the existing vertical structures in the Helm Substation and the existing double row of lattice steel towers supporting the Panoche-Helm, Panoche Mc Mullin, and Helm-McCall 230 kV transmission lines. At present, the area to the north of the Helm Substation where the project transmission line would be located has levels of visual quality and sensitivity similar to those identified for the view toward the project site for KOP1 (moderately low visual quality and low to moderately low visual sensitivity. Because the five new transmission towers proposed for installation in this area would be similar in scale and character to the existing electrical equipment which is already present in this

area, it would have little effect on the landscape's character or quality, and would not create a level of impact that could be so substantial that it could be considered to be significant.

**12-VR-2** **Data Adequacy Deficiency –** Please provide an estimate of the number of residences with views of the project.

**Data Adequacy Response –** No residences are located within the ¼ mile foreground zone around the portion of the project site on which the power plant and switchyard will be located.

In the area that lies from ¼ to ½ mile from the portion of the project site on which the power plant and switchyard will be located, there are 4 rural residences with relatively unobstructed views toward the project structures. In addition, there are 4 residences located in the area in San Joaquin along Karen Avenue near South Colusa Avenue in which views toward the project structures are screened to a large degree by structures in the nearby industrial park, but from which tops of the HRSGs and HRSG stacks may be visible.

In the area that lies from ½ to ¾ mile from the portion of the project site on which the power plant and switchyard will be located, there are 8 rural residences with relatively unobstructed views toward the project structures. In addition, there are approximately 25 residences that border open lands on the southern edges of San Joaquin from which views toward the project are screened to a greater or lesser extent, but from which portions of the project's HRSG units and stacks may be visible.

As indicated in the analysis of views from KOP 4 in the AFC, there are several hundred residential properties in the southern portion of San Joaquin from which there is some potential for views of the project's taller structures. As the AFC analysis points out, from most of these homes and yards, views toward the project site are blocked by nearby structures and vegetation. In cases in which residences have limited front yard landscaping and are located on streets on which there are few street trees, the tops of the HRSGs and HRSG stacks may be visible from the front yards of these homes. The simulations presented in Figures 8.11-6b and 8.11-6c provide a sense of the project's appearance as it would be seen from a point in a residential neighborhood in southwest San Joaquin located 0.71 mile from the project's closest structures. Although this is a view down the centerline of a street , in which obstructions of the view toward the project are minimized, this simulation can also be considered to provide a generalized sense of how the project might appear from the front yards of homes with sparse landscaping that are located on streets with few trees. This simulation suggests that to the extent to which the project may be visible from homes in San Joaquin, the project will be a relatively small part of the overall view composition, and will not be visually dominant.

**12-VR-3** **Data Adequacy Deficiency –** The AFC states that the KOP 4 views toward the site from most of the homes and yards are blocked by nearby structures and

vegetation (p. 8.11-13). Please explain why a KOP from an open space recreation area such as a park with a view of the air space above the site not completely blocked was not chosen, or include such a KOP.

**Data Adequacy Response –** The open space recreation area in San Joaquin that is the closest to the project site and which has an orientation that could provide a view toward the air space over the project site is the recreation area that lies on the north and the east sides of the community center building located at the corner of South Main Street and West Railroad Avenue. From the portion of this recreation area that lies north of the community center, the view toward the project site is completely screened by the two story community center building. from the area that lies to the east of the site, views toward the locations of the project's taller structures are substantially blocked by warehouse buildings in the industrial corridor that lies between the railroad tracks and Railroad Avenue in the area to the southeast of South Main Street.

The only other open space recreation area in San Joaquin of any significance is the area devoted to baseball and soccer fields that is a part of the school complex that lies in the area bounded by California, Nevada, Sixth, and Ninth Streets. From this area, views toward the power plant site are screened by the school structures, which are located in the immediate foreground of the view. Given the high level of foreground screening and this area's distance from area where the project's structure will be located, little, if any, of the project will be visible from this open space.

**12-VR-4** **Data Adequacy Deficiency –** The applicant did not consult with CEC staff to identify the scenic corridors and any visually sensitive areas potentially affected by the project. CEC staff may request the establishment of additional KOPs in the discovery phase after conducting a field reconnaissance.

**Data Adequacy Response –** The Applicant's visual resources consultant would be pleased to meet with CEC Staff in the field to review other Key Observation Points that Staff feel it may be essential to establish and evaluate in order to be able to complete their analysis.

**12-VR-5** **Data Adequacy Deficiency –** It is not clear whether any transmission tower structures are within the City limits. Please discuss whether the transmission tower structures must be included in the height variance.

**Data Adequacy Response –** The transmission towers located within the CVEC switchyard will be in the City of San Joaquin, as will an undetermined number of the existing 69-kV wooden poles that will be relocated to the east of the site. The visual effects of the transmission towers and relocated 69-kV subtransmission line are evaluated in the AFC.

In the summer of 2001, the City of San Joaquin prepared an Initial Study and Negative Declaration related to the annexation, General Plan amendment, and rezoning of the project site to industrial uses. Included in this process was a Site Plan Review that anticipated a major energy facility being located on the project

site. The City Manager for the City of San Joaquin has stated that the Site Plan Review anticipated the major components of the facility (including tall structures) and that further action by the City is not required. Notwithstanding the above, the City of San Joaquin has provided the Applicant with an application form for a variance, and has indicated its support of granting such a variance if required by CEC. Additionally, the Applicant believes that the CEC has the authority to grant the equivalent of a height variance through the AFC process, and that no separate approval is needed from the City of San Joaquin.

**12-VR-6** **Data Adequacy Deficiency –** The AFC states that some landscape plan details vary from City zoning standards for various reasons (p. 8.11-4). Has the City concurred with this deviation from the zoning standards? If so, please submit documentation that the deviation is acceptable to the City. If not, please submit a timeline for City review of this issue.

**Data Adequacy Response –** The City of San Joaquin has not explicitly reviewed a landscaping plan for the project, since this type of review is normally conducted the AFC process itself. However, the proposed landscaping plan as a whole exceeds City standards, as well as that of existing development in the area, and the Applicant anticipates City support of the landscaping plan. Specific details of the plan are likely to change during the course of the licensing process in response to input provided by CEC staff, members of the public, and the City of San Joaquin. Per the 6-month AFC guidelines, preliminary agency (City of San Joaquin) concurrence with the landscaping plan is due by Day 60, with final concurrence by Day 100 of the 6-month process.

**12-VR-7** **Data Adequacy Deficiency –** The AFC states that the County General Plan requirement regarding the undergrounding of utility lines refers to distribution lines rather than transmission lines. (P. 8.11-5) Please specify the source of this statement.

**Data Adequacy Response –** As quoted in the AFC, the Fresno County General Plan states:

> "PF-J.3: The County shall require all new residential development along with new urban commercial and industrial development to underground utility lines on-site."

The AFC states this provision relates to undergrounding of distribution lines rather than transmission lines, because this General Plan provision is intended to implement, and must be consistent with, State Law.

In 1967, the California Public Utilities Commission adopted an order requiring new developments to provide underground service for all new connections within the development. The Commission adopted the new program uniformly for all utilities by prescribing tariff amendments (D.73078, 67 CPUC 490).

The Tariff Amendments applicable to Pacific Gas and Electric Company, for example, are set forth in PG&E Electric Rule 15. These tariffs state that PG&E is required to put new **distribution** facilities underground. Rule 15.A.3.a states:

> "UNDERGROUND DISTRIBUTION LINE EXTENSIONS
>
> a. UNDERGROUND REQUIRED. Underground Distribution Line Extensions shall be installed where required to comply with applicable laws and ordinances or similar requirements of governmental authorities having jurisdiction and where PG&E maintains or desires to maintain underground distribution facilities. For example, underground Distribution Line Extensions are required for all new: (1) Residential Subdivisions (except as provided for in Section G), (2) Residential Developments, (3) Commercial Developments, (4) Industrial Developments, and (5) locations that are in proximity to and visible from designated Scenic Areas."

Note that the Rule states that underground distribution line extensions shall be installed where required to comply with applicable law and ordinances. The Rule does not state that a local agency may require the undergrounding of transmission lines, because the CPUC has reserved to itself exclusive jurisdiction over the manner and construction of transmission-level facilities. CPUC General Order 131 grants jurisdiction to local agencies only as to:

> "Electric Distribution Lines and Other Substations
>
> The construction of electric distribution (under 50 kV) line facilities, or sub- stations with a high side voltage under 50 kV, or substation modification projects which increase the voltage of an existing substation to the voltage for which the substation has been previously rated within the existing substation boundaries, does not require the issuance of a CPCN or permit by this Commission nor discretionary permits or approvals by local governments. However, to ensure safety and compliance with local building standards, the utility must first communicate with, and obtain the input of, local authorities regarding land use matters and obtain any non-discretionary local permits required for the construction and operation of these projects."

All electric facilities in excess of 50-kV, including all transmission-level facilities remain under the jurisdiction of the CPUC under the terms of General Order 131. The County, therefore, has no legal authority to require a developer to construct transmission lines, whether underground or aboveground, because the construction of these facilities is the sole responsibility of the electric utility (not the developer) and subject to the exclusive jurisdiction of the CPUC.

## 6-month Issues

**6-VR-1** **Data Adequacy Deficiency –** The project as proposed does not comply with the City of San Joaquin zoning ordinance height maximum. Please provide information that would support the issuance of a height variance under City regulations, and describe the criteria for making those determinations. Include a letter from the City demonstrating support for the variance request.

**Data Adequacy Response** – Please see analogous response for 12-VR-5. The City of San Joaquin has approved a Site Plan for the project site. Additional detailed review and input will be provided through the AFC process.

**6-VR-2** **Data Adequacy Deficiency –** It is not clear if any transmission tower structures are within the City limits. Please discuss whether the transmission tower structures must be included in the height variance request.

**Data Adequacy Response** – Please see analogous response for 12-VR-5.

**6-VR-3** **Data Adequacy Deficiency –** The AFC states that some landscape plan details vary from City zoning standards for various reasons (p. 8.11-4). Has the City concurred with this deviation from the zoning standards? If so, please submit documentation that the deviation is acceptable to the City. If not, please submit a timeline for City review of this issue.

**Data Adequacy Response** – Please see analogous response for 12-VR-6.

**6-VR-4** **Data Adequacy Deficiency –** The AFC states that the County General Plan requirement regarding the undergrounding of utility lines refers to distribution lines rather than transmission lines. (P. 8.11-5) Please specify the source of this statement.

**Data Adequacy Response --** See response to 12-VR-7.